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PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: A7834

Lester F. LUDWIG, et al.

RECEIVED

Appln. No.: 09/702,737

Group Art Unit: 2153

MAR 06 2003

Confirmation No.: 3630

Examiner: D. Dinh

Technology Center 2100

Filed: November 1, 2000

For: **PARTICIPANT DISPLAY AND SELECTION IN VIDEO CONFERENCE CALLS**

SUBMISSION OF APPELLANTS' BRIEF ON APPEAL

Assistant Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Sir:

Submitted herewith please find an original and two copies of Appellants' Brief on Appeal. A check for the statutory fee of \$160.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

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Date: February 26, 2003

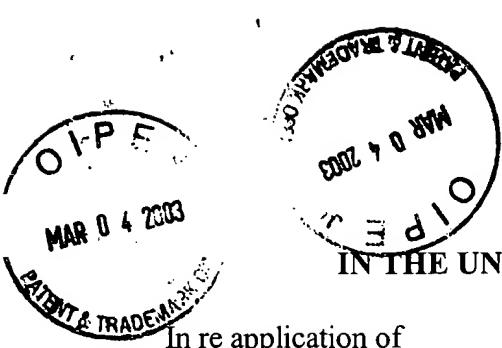
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Thea K. Wagner



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For: PARTICIPANT DISPLAY AND SELECTION IN VIDEO CONFERENCE CALLS

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §1.192

Assistant Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Sir:

Appellants, within a two (2) month period from the December 26, 2002, filing date of the Notice of Appeal, herein file an Appeal Brief drafted in accordance with the provisions of 37 C.F.R. §1.192, as follows:

I. REAL PARTY IN INTEREST

The real party in interest here is the owner of the application, Collaboration Properties, Inc.

II. RELATED APPEALS AND INTERFERENCES

To the best of their knowledge, Appellants are not aware of any appeals or interferences involving the present application.

III. STATUS OF CLAIMS

Claims 21-41 are pending in the present application. Claims 21-41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Baumgartner et al. (USP 5,195,086) in view of Marshak,

APPELLANTS' BRIEF ON APPEAL
U.S. Application No. 09/702,737

"BeyondMail for Windows," and Rangan et al., "Software Architecture for Integration of Video Services in the Etherphone System".

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IV. STATUS OF AMENDMENTS

The claims have not been amended pursuant to final rejection.

V. SUMMARY OF THE INVENTION

The present application provides a computer-based multimedia collaboration system for enhancing collaboration between and among individuals separated by distance and/or time. The main purpose of the present application is to replicate in a desktop environment the full range, level and intensity of interpersonal communication and information sharing which would occur if all the participants were together in the same room at the same time (see the present application, page 1, second paragraph).

As shown in Fig. 1, in one embodiment each of a plurality of multimedia local area networks (MLANs) 10 connects a plurality of collaborative multimedia workstations (CMWs) 12-1 to 12-10 via lines 13 to provide audio/video/data networking for supporting collaboration among CMW users. Wide area network (WAN) 15 in turn connects multiple MLANs 10.

Fig. 2A illustrates a CMW screen containing live, full-motion video of three conference participants. The CMW screen has a graphical rolodex that contains a scrollable list of user names, and a list of quick-dial buttons. In this embodiment, the quick-dial buttons show the face icons for the users they represent. Users can dynamically add new quick-dial buttons by dragging the corresponding entries from the graphical rolodex onto the quick-dial panel (see the present application, page 31, first full paragraph). In this fashion, a second directory is configured as a subset of a first, large directory. In Fig. 20, in operation a collaboration initiator 161 presents a user

APPELLANTS' BRIEF ON APPEAL
U.S. Application No. 09/702,737

interface that allows the user to initiate collaborative sessions. Session participants can be selected from the graphical rolodex 163 or from the list of quick-dial buttons 162.

Once the user elects to initiate a collaborative session, he or she selects one or more desired participants by clicking on a user name to select the desired participant from the graphical rolodex 163, or by clicking on the quick-dial button 162. The user then selects the desired session type, e.g., by clicking on a CALL button to initiate a videoconference call, or a SHARE button to initiate sharing of a snapshot image or blank whiteboard (see the present application, page 31, second full paragraph).

The collaboration initiator module 161 then retrieves necessary addressing information from a directory service module 66, and communicates with an audio video network manager (AVNM) 63 of a WLAN server 60, as shown in Figs. 3 and 21, to set up the necessary data structures and manage the various states of that call.

VI. ISSUES

1. Does the prior art teach or reasonably suggest a first and second directory each including potential video-enabled participants, in which the second directory is a subset of the first directory, as recited in claims 21-41?

VII. GROUPING OF CLAIMS

Claims 21-41 stand and fall together.

VIII. ARGUMENTS

Introduction

The present application significantly differs from Baumgartner, Marshak, Rangan and the combination thereof. As explained in greater detail below, several elements explicitly recited in the

APPELLANTS' BRIEF ON APPEAL
U.S. Application No. 09/702,737

claims of the present application are missing from Baumgartner, Marshak and Rangan, and there is no suggestion or motivation to modify Baumgartner or Marshak or Rangan or to combine their teaching to obtain the claimed invention.

Generally, the prior art lacks disclosure or suggestion of multiple directories in a videoconferencing environment. The Examiner has asserted that multiple e-mail directories would have rendered obvious multiple video directories. However, as Appellants will explain in detail, the e-mail area and the video area are sufficiently remote from each other that the ordinarily skilled artisan, armed with knowledge of multiple directories in an e-mail context, would not have been led to apply that knowledge to the videoconferencing art.

Baumgartner

Baumgartner discloses a method for improving signal transmission efficiency of "multimedia" conferencing systems available at that time by multicast packet switching (Baumgartner, col. 4, lines 29-31). As shown in Fig. 1 of Baumgartner, a first call among a first set of user stations and a second call among a second set of user stations are merged into a single call comprising a plurality of channels among at least three user stations from the first and second sets.

The Examiner has agreed that Baumgartner does not specifically disclose usage of video or video capture capabilities and the directory including video-enabled participants. The Examiner has further agreed that Baumgartner does not disclose the first and second directory in which the second directory is a subset of the first directory (see the Office Action dated September 25, 2002, page 4). In fact, Baumgartner does not teach or suggest the second directory at all.

APPELLANTS' BRIEF ON APPEAL
U.S. Application No. 09/702,737

Marshak

Marshak provides an e-mail system with a public address book maintained by an e-mail administrator, and an individual private address book. However, Marshak has nothing to do with videoconferencing, or with video-enabled participants. Therefore, Marshak does not teach or suggest any directory including video-enabled participants. Moreover, Marshak is silent as to whether the second directory can or should be a subset of the first directory, and so does not teach or suggest the desirability of such a feature, as Appellants will discuss in more detail herein.

Rangan

Rangan provides software architecture for integration of video services in the Etherphone system. Unlike the present application, the Rangan system uses analog transmission and storage of video (Rangan, page 1395, left column, first paragraph). Rangan admitted at the time that there was a gap between computers and video equipment, and that real-time digital transmission and storage of video would have to wait a few more years for very high capacity networks and storage devices to become pervasive (Rangan, page 1395, left column, first paragraph). Rangan further admitted that the Rangan system was not a multimedia computer system (Rangan, page 1395, left column, second paragraph), thus differing from the present application. In addition, contrary to the directory feature of the present application, in order to initiate a video conference in the Rangan system, a caller must embark on a complex multi-step procedure. The user first needs to enter the names of recipients manually in a window-based user interface on the user's workstation (Rangan, page 1396, right column, second paragraph). Thus, Rangan has no directories whatsoever. Further still, the user must then enter "in" and "out" options for audio and video through an additional subwindow, hardly allowing for a rapid teleconferencing connection setup.

APPELLANTS' BRIEF ON APPEAL
U.S. Application No. 09/702,737

From the foregoing, Appellants submit that the prior art on the record does not teach or suggest the first and second directory each including potential video-enabled participants. Nor does the cited prior art teach or suggest that the second directory is a subset of the first directory. Appellants provide more detail below.

1. The First and Second Directory Each Including Potential Video-Enabled Participants

Independent claims 21 and 30 of the present application expressly recite a first and second directory each including potential video-enabled participants. The Examiner has not cited a reference which teaches or suggests directories of video-enabled participants. Rather, the Examiner has cited public and private directories in the Marshak e-mail system for the teaching of directories. The Examiner has asserted that the idea of using a directory is applicable to any environment that has plural individuals. Appellants respectfully disagree.

First, Marshak's e-mail directory *per se* does not teach or suggest applicability in a real-time videoconferencing context. The object of the present application is to provide real-time multimedia communications, especially in fast-moving business activities. The teleconferencing aspects of the present application are that of a multimedia collaboration system, which captures, transports, and reproduces audio and video information and data so as to provide a media-rich face-to-face collaboration environment and experience (in addition to its other capabilities of processing, recording, storing, retrieval, searching and playback of multimedia information). In contrast, the Marshak e-mail system is strictly a non-real-time text-exchange system incapable of any conferencing capability. Additionally, in these fast-moving business activities, it is indispensable for users to be able to select participants for a real-time, rich media conference easily and quickly, hiding the complex details of multichannel multimedia connection set up over a plurality of parallel

APPELLANTS' BRIEF ON APPEAL
U.S. Application No. 09/702,737

transport-specialized real-time-performance networks. In contrast, an e-mail system only provides simple text-only communication which inherently is deferred in time because a user has to download and read the e-mail before being able to respond, rather than seeing and listening to the other participant(s) in real time.

Second, the prior art does not teach or suggest directories of video-enabled participants. As discussed above, a caller using the Rangan system needs to enter the names of the recipients to initiate a video conference. Further, the Rangan system further requires the user to take an additional step of specifying in/out status of audio/video media. As a result, Rangan does not enable the rapid teleconferencing connection capabilities delivered by the second directory of the present application, and in fact literally teaches away from it. Baumgartner does not disclose or suggest a second directory. Providing a second directory to facilitate immediate communications is hardly a goal for Marshak's non-real-time email system's directories. Thus, even if one skilled in the art were to attempt to combine the teachings of Baumgartner, Marshak, and Rangan, the resulting combination would not result in Appellants' claimed invention, with the first and second directory each including potential video-enabled participants.

Therefore, the cited prior art in no way would have suggested to the ordinarily skilled artisan, at the time the present application was made, two directories of video-enabled users in a videoconferencing context.

2. The Second Directory is a Subset of the First Directory

Independent claims 21 and 30 of the present application explicitly recite that the second directory of video-enabled participants is a subset of the first directory of video-enabled

APPELLANTS' BRIEF ON APPEAL
U.S. Application No. 09/702,737

participants. Marshak talks about a public e-mail directory and a private e-mail directory, but does not in any way refer to one directory as a subset of the other.

The present application addresses the second directory through the concepts of "quick dial" and "hot keys." Entries from a larger directory (rolodex) are dragged into a "quick dial" directory of potential participants with whom frequent and rapid real-time communication is common. Since the quick dial directory is populated by "dragging" in entries from the public directory, the quick-dial directory is by design and structure a subset of the public directory (page 31, lines 6-14).

In contrast, Marshak's reference to private and public e-mail directories fails to teach or suggest the subset relationship between the first and second directory, fails to teach or suggest a process for creating a subset relation, and fails to provide any motivation for the claimed subset relation.

Marshak discloses a public e-mail directory and a private e-mail directory, but does not teach or suggest the relationship between the two directories. Rather than the subset relationship, the private directory could be totally different, or partly different from the public directory.

Marshak's omission is readily understandable, in that the usage of an e-mail system actually would tend to preclude the subset relationship which is claimed in the present application. An e-mail user may be on a network, and so may have access to a directory of e-mail users of the network. Such a directory would correspond to Marshak's public directory. However, users of an e-mail system want to communicate with e-mail users outside the network, such as special colleagues, friends, or family, and so e-mail addresses that are not in the directory of the network are necessary. Therefore, a user's private directory will include entries that are not in the network e-mail directory.

APPELLANTS' BRIEF ON APPEAL
U.S. Application No. 09/702,737

Pursuant to the foregoing, it can be seen that a private directory, which is a subset of the public directory, will prevent e-mail users from conveniently communicating with users outside the network. Therefore, a private directory would not have the same utility for e-mail users having access to the same set of names in a larger directory as it does in the present invention.

Furthermore, even assuming, *arguendo*, the desirability of having a “more efficient grouping and identification of the participants” (Final Office Action, p. 4, lines 12-14), there is no indication that at the time the present application was made, that the subset relationship between the first and second directories would have been obvious to the ordinarily skilled artisan, given Marshak’s teaching, and more importantly, given Marshak’s silence on the issue of the claimed directory relationship. Further, nowhere does Marshak teach any results, value, or goals of a “more efficient grouping and identification of the participants” in reference to a private directory.

As discussed above, Baumgartner does not teach the second directory, and Rangan teaches away from the directory feature. Altogether, therefore, the prior art on the record does not teach or suggest the subset relationship between the first and second directories as is the basis of the present invention.

Pursuant to the foregoing, Appellants submit that independent claims 21 and 30 are patentable. Dependent claims 22-29 and 31-41 are patentable at least by virtue of their respective dependence from the patentable independent claims 21 and 30.

IX. CONCLUSION

Pursuant to the foregoing arguments, Appellants submit that claims 21-41 in the subject application are patentable. Accordingly, Appellants respectfully request that the Examiner’s rejection be reversed, and the present application allowed at the earliest possible opportunity.

APPELLANTS' BRIEF ON APPEAL
U.S. Application No. 09/702,737

The present Brief on Appeal is being filed in triplicate. Appellants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,


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Assistant Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

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Signed: Thea K. Wagner
Thea K. Wagner

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U.S. Application No. 09/702,737

APPENDIX

CLAIMS 21-41 ON APPEAL:

21. A teleconferencing system

for conducting a teleconference
among a plurality of participants comprising:

- (a) a plurality of video display devices each having associated
 - (i) participant video capture capabilities, and
 - (ii) participant audio
 - (1) capture and
 - (2) reproduction capabilities; and
- (b) at least one communication path
 - (i) along which signals
 - (1) representing participant audio and video
 - (ii) can be transmitted,

wherein the system is configured to

- (a) display
 - (i) a first and a second directory each including potential video-enabled participants in which
 - (1) the first directory is viewable by all potential video-enabled participants, and
 - (2) the second directory is a subset of the first directory and viewable by a single participant,
 - (ii) on at least one video display device; and
- (b) to initiate collaboration
 - (i) upon a selecting participant [selecting] establishing communication
 - (1) with a selected participant
 - (2) to define the teleconference.

22. The teleconferencing system of claim 21, wherein

APPELLANTS' BRIEF ON APPEAL
U.S. Application No. 09/702,737

- (a) the second participant directory includes at least one of the group consisting of
 - (i) displayed icons and text
 - (3) representing the potential participants.

23. The teleconferencing system of claim 21, wherein

- (a) a selecting participant can
 - (i) select
 - (1) at least one of the participants and
 - (2) at least one of a displayed set of additional communication types; and
 - wherein the system is further configured to
 - (i) establish communication
 - (1) of the selected type
 - (2) with a selected participant.

24. The teleconferencing system of claim 23, wherein

- (a) the set of additional communication types includes at least one of:
 - (i) data conferencing, videoconferencing, telephone conferencing, sending faxes, sending electronic mail, and the sending of multimedia mail messages.

25. The teleconferencing system of claim 23, wherein

- (a) the selecting participant can use
 - (i) at least one computer graphic user interface
 - (ii) to select
 - (1) at least one of the participant(s) and/or
 - (2) at least one of the communication types.

26. The teleconferencing system of claim 23, wherein the system

- (a) defaults
 - (i) to a default communication type
 - (ii) upon selection of a participant.

27. The teleconferencing system of claim 21, wherein the system is further configured to allow a participant:

APPELLANTS' BRIEF ON APPEAL
U.S. Application No. 09/702,737

- (a) to select
 - (i) a further participant
 - (ii) from the potential teleconference participants and
- (b) add
 - (i) the new participant
 - (ii) to the teleconference.

28. The teleconferencing system of claim 21, wherein the system is further configured to:

- (a) allow
 - (i) at least one participant
 - (ii) access
 - (1) to at least one audio and/or video signal source; and
- (b) reproduce
 - (i) audio and video
 - (1) based on signals
 - (2) from the accessed signal source
 - (ii) for another participant.

29. The system of claim 21, wherein

- (a) a selecting participant case
 - (i) select
 - (1) at least one of the participants
 - (2) using a hot key.

30. A method for conducting a teleconference
among a plurality of participants, each having
an associated video capture and display and
audio capture and reproduction capabilities,
the method comprising the steps of:

- (a) displaying

APPELLANTS' BRIEF ON APPEAL
U.S. Application No. 09/702,737

- (i) a first and a second directory each including potential video-enabled participants in which
 - (1) the first directory is viewable by all potential video-enabled participants,and
 - (2) the second directory is a subset of the first directory and viewable by a single participant
- (b) selecting
 - (i) one or more participants
 - (1) from among a plurality of the displayed potential participants; and
- (c) establishing communication
 - (i) with a selected participant
 - (ii) to define the teleconference.

31. The method of claim 30, wherein

- (a) the second participant directory includes at least one of the group consisting of
 - (i) displayed icons and texts
 - (1) representing potential participants.

32. The method of claim 30, further comprising the steps of:

- (a) selecting
 - (i) one or more desired participants
 - (ii) from the first directory; and
- (b) selecting
 - (i) one or more desired participants;
 - (ii) from the second directory; and
- (c) establishing communication
 - (i) with all selected participants.

33. The method of claim 30, further comprising the steps of:

- (a) selecting a communication type,

APPELLANTS' BRIEF ON APPEAL
U.S. Application No. 09/702,737

- (i) from a displayed set of additional communication types; and
- (b) establishing communication
 - (i) of the selected type,
 - (ii) with each selected participant(s).

34. The method of claim 33, wherein

- (a) the set of additional communication types includes at least one:
 - (i) data conferencing, videoconferencing, telephone conferencing, sending faxes, sending electronic mail and sending multimedia mail messages.

35. The method of claim 33, wherein

- (a) the step of selecting
 - (i) one or more participants
 - (ii) invokes a default communication type.

36. The method of claim 30, further comprising the steps of:

- (a) selecting
 - (i) a new participant
 - (ii) from among a plurality of potential teleconference participants; and
- (b) adding
 - (i) the new participant
 - (ii) to the teleconference.

37. The method of claim 30, further comprising the steps of:

- (a) detecting,
 - (i) during a first teleconference
 - (1) between a first and a second participant,
 - (ii) an attempt
 - (1) by a third caller
 - (2) to initiate a second teleconference
 - (3) with the second participant;
- (b) notifying

APPELLANTS' BRIEF ON APPEAL
U.S. Application No. 09/702,737

- (i) the second participant
- (ii) of the attempt; and
- (c) allowing the second participant
 - (i) to add
 - (ii) the third caller
 - (iii) to the first teleconference.

38. The method of claim 30, further comprising the steps of:

- (a) allowing at least one participant
 - (i) access to at least one audio and/or video signal source, and
- (b) reproducing video and/or audio
 - (i) based on signals,
 - (ii) from the accessed signal source;
 - (iii) for another participant.

39. The method of claim 30, further comprising the step of:

- (a) allowing a participant
 - (i) in an existing teleconference with
 - (1) a plurality of other participants
 - (ii) to place on hold
 - (iii) at least one of the other participants.

40. The method of claim 30, further comprising the step of:

- (a) allowing a participant
 - (i) in an existing teleconference with
 - (1) a plurality of other participants
 - (ii) to disconnect
 - (iii) at least one of the other participants.

41. The method of claim 30, further comprising the steps of:

- (a) selecting a participant
 - (i) by using a hot key.